

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CERTIFICATE OF NON-CONCURRENCE

I, Patrick A. Casey, hereby certify that I attempted to contact Todd K. Hinkley, Esquire, Assistant United States Attorney, to seek his concurrence/non-concurrence in the Motion to Suppress/In Limine which was filed on July 17, 2006. I was unable to reach Mr. Hinkley but presume his non-concurrence.

Respectfully submitted,

MYERS, BRIER & KELLY, L.L.P.
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/s/Patrick A. Casey
Patrick A. Casey, Esquire
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Attorney for Defendant,
David Rhodes

Date: July 18, 2006

CERTIFICATE OF SERVICE

I, PATRICK A. CASEY, ESQUIRE, hereby certify that a true and correct copy of the foregoing Certificate of Non-Concurrence was served upon the following counsel of record via electronic mail on this 18th day of July, 2006:

Todd K. Hinkley, Esquire
Assistant United States Attorney
235 North Washington Avenue
Scranton, PA 18503

/s/ Patrick A. Casey
Patrick A. Casey, Esquire